

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

TRAVISE HULEY,)
Petitioner,)
v.) CIVIL ACTION NO. 5:18-CV-163 MTT
WARDEN ERIC SELLERS,)
Defendants.)

)

ORDER

Magistrate Judge Stephen Hyles recommends dismissing Petitioner Huley's federal habeas petition for failure to exhaust state court remedies, since the failure to exhaust is plain on the face of the petition. Doc. 6 at 1. The petitioner's § 2254 petition challenges the revocation, on March 23, 2018, of five years of his parole. Doc. 1. An appeal of that decision is pending in state court. *Id.* at 2. As a result, the Petitioner has not yet fairly presented his habeas claims before the state court and provided the state court an opportunity to review those claims. See *McNair v. Campbell*, 416 F.3d 1291, 1302 (11th Cir. 2005). The Magistrate also recommends denying a certificate of appealability and denying as moot the Petitioner's motion to proceed *in forma pauperis*. Doc. 6 at 1, 3. The Petitioner has objected to the Recommendation. Doc. 8. The Court has accordingly reviewed de novo those parts of the Recommendation to which the Petitioner objects, and the Court accepts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation (Doc. 6) is **ADOPTED** and made the order of this Court. Accordingly, the Petitioner's federal

habeas petition is **DISMISSED without prejudice** for failure to exhaust state court remedies, and a certificate of appealability is **DENIED**. Additionally, the Petitioner's motion to proceed *in forma pauperis* (Doc. 2) is **DENIED** as moot.

SO ORDERED, this 17th day of October, 2018.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT